



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

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MEMORANDUM FOR: Mr. Thomas B. Lance, Director
Office of Management and Budget
Washington, D.C. 20503

ATTENTION : Mr. Walter M. Hasse, Deputy Associate
Director of Information Services

FROM : John F. Blake
Deputy Director for Administration

SUBJECT : Central Intelligence Agency Annual Privacy Act
Report, Part II and Part III, for 1976

In accordance with OMB Circular No. A-108, Transmittal Memorandum No. 2, and OMB Memorandum of 13 January 1977, forwarded herewith are Parts II and III of the Annual Privacy Act Report for 1976.

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PART II. ACTIONS TO COMPLY WITH THE ACT

1. All major initiatives to comply with the Privacy Act were taken in 1975. In 1976, as experience was gained, procedures were refined and expanded in an effort to bring all Agency components and personnel to a fuller realization of the Act's implications, and to work in conjunction with the Act.

2. Agency personnel at all levels have been provided with information explaining the Act and its effects. Innumerable briefings have been held and Agency speakers have addressed participants in training courses whenever possible. In addition, an Agency handbook is soon to be published to assist components and personnel in the implementation of the Act's requirements. In the fall, a symposium was held which drew together officials of various offices to discuss their particular problems and to reach a consensus on the processing of, and uniformity in responding to requests pursuant to the Act. Many officers have attended courses sponsored by agencies such as the Civil Service Commission.

3. Components of the Agency have attempted to review their record holdings to ensure that the information they have conforms with pertinent statutes and Executive orders. The thrust of the current effort is to collect only that information which is needed, and eliminate nonessential information prior to its insertion into a records system. Also, office directives have been issued to restrict holdings of personal information to that which is essential to the functions of a particular office.

4. Historically, the Agency's basic premise for the handling of information has been on a strict and clearly established need-to-know principle. Access to, and the protection of records, many of which are classified, is tightly controlled and the information is stored in locked combination safes or vaulted areas. Little in the way of procedural change has been needed to protect these records.

5. Assuring the accuracy of records is a constant objective of the Agency. Where possible, periodic reviews are conducted by Agency components, and information is obtained directly from the individual concerned. Where conflicting information is received, efforts are made to correct any deficiencies. However, given the lack of available resources, there is no systematic program to review records systems.

Therefore, corrections to records must normally await a request from an individual to review his or her records.

6. Records systems are totally maintained by Agency personnel. No contracts for this function are let.

7. Where Social Security Account Numbers (SSAN) were previously obtained as a matter of course, this practice has ceased. All forms are reviewed for the necessity of including the SSAN and a clear explanation is provided to an individual as to whether the number is required, and the authority cited if applicable.

PART III. EFFECTS OF THE ACT

With approximately one and one half years' experience in implementing the Privacy Act, it is still difficult to ascertain the specific effects of the Act on the Agency and its assigned functions. One thing is becoming rather evident, however, in that the policy of the Government in providing information to the general public through the Privacy Act, the Freedom of Information Act, et al., is causing real concern within certain quarters of the Agency. The impact of this policy is developed further in the following topics for discussion.

1. Reductions in the Collection of Personal Information

All systems of records are maintained pursuant to appropriate statutes and Executive orders. In addition to the comments in paragraph 8 to follow, the Agency is currently preparing a notice to the Federal Register announcing an additional merger of two systems of records into one; also, there are active surveys underway for further similar mergers. However, the Agency had to contend with two factors that were causing a significant increase in our record holdings. The CIA was subject to a Congressional moratorium not to destroy any records; currently, Congress can opt to review records before destruction. Also, approvals from the National Archives and Records Service for many of the Agency's Records Control Schedules remain pending. These factors are not to the exclusion of each other, so both must be resolved. A significant number of systems are affected. Many records, literally hundreds of thousands, have been selected for destruction. At present, these records serve only as fodder for Privacy Act and similar

type requests. Once favorable decisions are rendered, the records will be destroyed.

2. Obtaining Information from Individuals

There would appear to be little effect caused by the Privacy Act on individuals providing information on themselves. However, when derogatory information is provided on a third party, informants tend to request confidentiality. This trend also appears to be much stronger in the Washington, D.C., area. Given the general legal framework wherein the U.S. Government must provide information pursuant to the Privacy Act et al., serious concerns have developed among some sources that have provided intelligence information in the past. To them, there is a real question as to whether their identities can be protected by the Agency. The quality and quantity of information being provided by these sources has diminished; some sources have refused further cooperation with the Agency due to the threat of exposure. The extent to which the Privacy Act contributes to this diminishing effect cannot be gauged; although, even with the Act's exemption provisions, it would have to be considered an influential factor, justified or not.

3. Obtaining Information from Other Agencies

Effective cooperation between the Agency and other departments is the general norm in responding to requests for information. Because another agency maintains a log of queries for personal information, it has been necessary in some cases to discontinue these queries where they deal with covert or confidential relationships; to do otherwise might invite a breach of operational security.

4. Disclosing Information

The Agency views the disclosure of information from three sides.

A. Obtaining Agency employees' signed releases for the transfer of personal information has caused no major unsolved problems. It has increased the workload, however, and caused delays in the processing of employees for outside activities.

B. The Freedom of Information Act often requires the release of personal information records of prominent individuals where written consent has not been provided. The determination made by the Agency is that if the

information is already in the public domain, such records could be released. As one could expect, there is a thin line between releasing information required under FOIA and protecting information under the Privacy Act. The Agency has also experienced considerable difficulty with regard to personal records where the individual is deceased. Since deceased persons are not protected by the Privacy Act, this often requires the Agency to make a difficult judgment as to whether the privacy of relatives would be involved.

C. Although this may apply to FOIA more than the Privacy Act, there is serious concern that repeated disclosure of seemingly innocuous bits of information can in the long run enable close students of the material to discern information patterns which would identify intelligence sources or the methods of gathering intelligence. First, there is the danger that disclosure will imperil intelligence sources and methods, by revealing the identity of particular sources, by dampening liaison with friendly services, by discouraging recruitment, or by facilitating countermeasures by target intelligence services. Second, there is the concern that disclosure of intelligence operations or assessments against friendly foreign nations will embarrass their governments and generate hostile public opinion amongst their people. Although the benefits of providing the public with access to a multitude of records maintained by an intelligence organization are recognized, it may still be too early to determine the true cost of damaging disclosure.

5. Individual Access to Agency Records

A. The awareness by the general public of the existence of the Privacy Act, as such, increased only slightly. The large majority of requesters still ask for information on themselves by citing the Freedom of Information Act or both Acts. As stated in the previous report, most requesters must be asked to provide additional personal identifying data. Rarely does a requester cite specific records systems to be searched. We quickly acknowledge all queries for information; however, the time necessary to provide a final response is considerable, especially if significant documentation is produced. It is common that a record in one component will contain information provided by another component or another agency, and all interests must be considered.

B. A summary of Privacy Act requests processed, appeals generated therefrom, and the disposition of these cases is provided herewith:

1. Requests:

Carried over from 1975.....	356
Received in 1976.....	2356
Total available during 1976.....	2712
Final responses.....	2114
Granted in full.....	154
Granted in part.....	404
Denied.....	56
Cancelled, withdrawn or no records maintained.....	1500
Carried over to 1977.....	598

2. Appeals:

Carried over from 1975.....	0
Received.....	78
Total available during 1976.....	78
Final responses.....	12
Granted in full.....	0
Granted in part.....	5
Denied.....	6
Cancelled or withdrawn.....	1
Carried over to 1977.....	66

C. In addition to the above requests, which should be considered as formal requests to the Agency, an informal mechanism was utilized by the Agency to provide responses to Agency employees wishing to review their records. The program was successful and is being maintained as a continuing service. It is estimated that more than fourteen hundred requests were received from employees.

6. Sale or Rental of Mailing Lists

Mailing lists are not provided, rented or sold by the Agency.

7. Use of Social Security Account Numbers as a Personal Identifier

There were no new systems of records which used the SSAN as a personal identifier during this reporting period. However, CIA system #29, Manpower Control System, added to its method of "Retrievability" the SSAN. There seems to be, also, a general awareness on the part of individuals that a SSAN

need not necessarily be provided, and they will question its use.

8. Public Scrutiny of Agency Recordkeeping Practices

During 1976, the Agency published in the Federal Register notice of two new records systems, the merger of three systems into one, and changes in an additional thirteen. No comments were received from the public in response to these notices.

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